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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371ATTORNEY'S DOCKET NUMBER  
03715.0081U.S. APPLICATION NO.  
(If known, see 37 CFR 1.52)

097807268

INTERNATIONAL APPLICATION NO.

PCT/FR99/02452

INTERNATIONAL FILING DATE

October 12, 1999

PRIORITY DATE CLAIMED

October 12, 1998

TITLE OF INVENTION

FOOD COMPOSITION BASED ON SUBSTANCE DERIVED FROM  
MILK COMPRISING CONJUGATE LINOLEIC ACID GLYCERIDES

APPLICANT(S) FOR DO/EO/US


1) Anne DEPIERRIS and 2) Didier CARCANO

Applicants herewith submit to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed with the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154 (d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A Substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154 (d)(4).
19. ☐ A second copy of the English language translation of the international application 35 U.S.C. 154 (d)(4).
20. ☒ Other items or information:
  - a. ☒ Copy of cover page of International Publication No. WO 00/21379 with English-language abstract.
  - b. ☐ Copy of Notification of Missing Requirements.
  - c. ☒ Verification of a Translation.

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>09/807268</b>		INTERNATIONAL APPLICATION NO. : PCT/FR99/02452		ATTORNEY'S DOCKET NUMBER: 03715.0081		
21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....\$1000.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....\$860.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search fee (37 CFR 1.445(a)(2)) paid to USPTO .....\$710.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....\$690.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33 (1)-(4) .....\$100.00  <div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div>				CALCULATIONS PTO USE ONLY		
Surcharge of \$130.00 for furnishing the oath or declaration later than <span style="float: right;"><input type="checkbox"/> 20 <input type="checkbox"/> 30</span> months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$		
CLAIMS	NUMBER FILED		NUMBER EXTRA	RATE		
Total Claims	11	- 20 =	0	x \$18.00	\$	
Independent Claims	1	- 3 =	0	x \$80.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+\$270.00	\$	
<b>TOTAL OF THE ABOVE CALCULATIONS =</b>					\$860.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					\$	
<b>SUBTOTAL =</b>					\$860.00	
Processing fee of \$130.00 for furnishing the English translation later than <span style="float: right;"><input type="checkbox"/> 20 <input type="checkbox"/> 30</span> months from the earliest priority date (37 CFR 1.492(f)).					\$	
<b>TOTAL NATIONAL FEE =</b>					\$860.00	
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.					\$	
<b>TOTAL FEES ENCLOSED =</b>					\$860.00	
					Amount to be refunded:	\$
					charged:	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>860.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-0916</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information          should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.						
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.						
<b>SEND ALL CORRESPONDENCE TO:</b> Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 1300 I Street, N.W. Washington, D.C. 20005-3315 EFC/FPD/sci DATED: April 11, 2001						
				 SIGNATURE Ernest F. Chapman, Reg. No. 25,961 NAME/REGISTRATION NO.		

WO 00/21379

PCT/FR99/02452

FOOD COMPOSITION BASED ON A SUBSTANCE DERIVED FROM MILK  
COMPRISING CONJUGATE LINOLEIC ACID GLYCERIDES

5 The present invention relates to a food composition, based on a substance derived from milk, in the form of an oil-in-water emulsion, comprising an effective amount of mono-, di- and/or triglyceride of one or more active isomers of conjugate linoleic acids (CLA MG, CLA DG and/or CLA TG). The invention relates  
10 more particularly to fermented dairy compositions, in particular yoghurts, crème fraîches or dairy specialities.

However, it should be clearly pointed out that the invention is directed in general toward the  
15 incorporation of CLA glycerides into food products consisting of milk-based starting materials taken in the broad sense, i.e. it also encompasses starting materials of plant origin, in particular cereals, which may act as substitutes or supplements for starting  
20 materials of dairy origin, in particular products based on soya milk and/or oat milk. The manufacture of food products of this type may be illustrated by patent application WO 99/27795.

Nowadays, a large proportion of people wish to  
25 reduce or maintain their body weight while at the same time maintaining a normal and varied diet. Furthermore, the maintenance of the body weight should be ensured while at the same time promoting muscle mass at the expense of adipose mass.

30 The active isomers of conjugate linoleic acids (CLA) are known to exert a positive action to reduce the assimilation of fats in mammals, especially in humans. They are also known to increase or prevent the decrease in the amount of proteins in mammals,  
35 especially humans. The active isomers of conjugate linoleic acids are in the form of a mixture mainly comprising 9,11-octadecadienoic acid and 10,12-octadecadienoic acid.

Dietetic compositions may be administered parenterally or orally. In the first case, they are compositions based on oil and on plant protein or on protein derived from eggs. For example, US patent 5 5 760 082 discloses a dietetic food for humans containing from 0.5% to 1% by weight of CLA in triglyceride form.

On the other hand, as regards oral compositions, the CLAs are in free form. Mention may be made, for example, of patent application WO-A-94/16690 which discloses a dietetic composition supplemented, in a proportion of from 0.1% to 2% by weight thereof, with conjugate linoleic acids. However, these compositions are intended to improve the weight gain of animals. Patent application WO-A-96/06605 discloses a method for reducing fats in mammals, which consists in administering an effective amount of conjugate linoleic acids. Such acids are added in a proportion of from 0.01% to 2.0% to water-in-oil emulsions in replacement for 0.5% to 2% of the oil normally present in these emulsions.

US patent 5 430 066 discloses a food composition for humans or animals, suffering from anorexia or weight loss following an immune stimulation, the nutrition of which is supplemented with conjugate linoleic acids.

Patent application WO-A-97/46230 discloses a method for maintaining an existing level of fat in the body and for maintaining the individual's weight using conjugate linoleic acids (CLAs). This method consists in adding an effective dose of CLA to foods such as margarine.

Patent application WO 96/38137 relates to the use of CLA to combat weight loss. To this end, said document discloses the production of CLA in milk by Lactobacilli.

US patent 5 770 247 discloses a method for producing CLA in cows' milk. The CLA is in free form. In JP 06 276 939, the CLAs are also in free form.

Finally, patent application EP-A-0 779 033 discloses a fat-based spreadable paste such as a margarine, i.e. a water-in-oil emulsion, in which the fatty phase comprises 0.05% to 20% conjugate linoleic acid. Such a composition improves the lipid profile of the blood.

Moreover, it is known that conjugate linoleic acids are present naturally in a small amount in dairy products. This content ranges from 0.07% in yoghurts to 0.20% in certain cheeses with a high solids content (cf. H. LIN et al., J. Dairy Sci 78.2358-2365).

Dairy products based on an oil-in-water emulsion generally have a fat content of less than 50%. These oil-in-water emulsions may be unfermented, for instance skimmed milks, semi-skimmed milks, partially skimmed milks, whole milks and condensed milks. The emulsion can also be in the form of a fermented dairy product, in particular fromage frais, yoghurts or the like and other fermented dairy products.

It would be desirable to offer consumers a dairy food product which satisfies consumers' tastes, in the form of an oil-in-water emulsion which may be incorporated into a daily diet to ensure maintenance of the body weight in this diet, while at the same time promoting muscle mass at the expense of adipose mass.

It has been found, unexpectedly, that conjugate linoleic acids in lipophilic form can be incorporated into dairy products in the form of an oil-in-water emulsion and can satisfy the aim which the present invention proposes to achieve. Firstly, it has been found that conjugate linoleic acids in the form CLA MG, CLA DG and/or CLA TG have excellent stability in the dairy products that are the subject of the present invention (better resistance to oxidation and better processibility). Secondly, the use of CLA, all or some of which is in the form of mono-, di- and/or triglycerides according to the present invention, makes it possible to obtain dairy products, which may or may not be fermented, and which do not have the problems of

poor taste encountered with CLAs in alkyl ester form. It is thus possible to introduce them in effective doses while at the same time retaining satisfactory organoleptic properties. Specifically, the Applicant  
5 has succeeded in uniformly incorporating CLA, in the form of glycerol esters, into O/W emulsions containing less than 50% fat while avoiding the use of adjuvants. In addition, the CLA mono-, di- and/or triglycerides present in the compositions according to the invention  
10 are of increased bioavailability.

One subject of the present invention is to propose a dairy product supplemented with an effective amount of conjugate linoleic acid, which is incorporated into a daily diet and which has a fat  
15 content of less than 50% by weight.

According to the invention, the food composition based on a substance derived from milk, in the form of an oil-in-water emulsion, which is optionally overrun, is characterized in that the fat  
20 content is less than 50% by weight and in that it comprises an effective amount of mono-, di- and/or triglyceride of one or more active isomers of conjugate linoleic acids (CLA MG, CLA DG and/or CLA TG).

An effective amount of CLA according to the  
25 invention is defined relative to the daily intake, which is about 4 g of active CLA isomers/day. This daily intake expressed as a weight percentage of the product corresponds, depending on the type of food product, to a content of from 1% to 15% active CLAs in  
30 CLA MG, CLA DG and/or CLA TG form, preferably a content of between 1.5% and 13% and in particular 3% to 5% w/w.

Advantageously, 20% to 50% by weight of the fat, preferably 20% to 40% and in particular about 30%, consists of active CLA isomers in CLA MG, CLA DG and/or  
35 CLA TG form.

Linoleic acids are usually in the form of a mixture comprising at least 50% of the active isomers of 9,11-octadecadienoic acid and/or 10,12-octadecadienoic acid; the remainder of the mixture may

consist of various plant oils based on saturated or unsaturated C<sub>16</sub> to C<sub>20</sub> acids.

Thus, the food composition according to the invention is characterized in that the active isomers of conjugate linoleic acids (CLAs) are chosen from the group consisting of 9,11-octadecanoic acid and 10,12-octadecanoic acid. The active isomers of conjugate linoleic acids (CLAs) may be a mixture of 9,11-octadecanoic acid and of 10,12-octadecanoic acid. The composition according to the invention may also comprise small proportions of other unsaturated or saturated fatty acids such as, for example, palmitic acid, stearic acid, oleic acid and/or unconjugated linoleic acid (C18:2 c9, c12). Said fatty acids may be in free or esterified form, in particular in the MG, DG and/or TG form.

Preferably, said active isomers of conjugate linoleic acids (CLAs) are preferably chosen from the following isomers:

- 9-cis-11-trans-linoleic acid,
- 10-trans-12-cis-linoleic acid.

Advantageously, the respective proportions of these two isomers may range from 0.5% to 99.5%. Thus, the mixture may consist, in equal parts, of 10t, 12c CLA and of 9c, 11t CLA, or alternatively the 10t, 12c CLA will represent 70% to 75% and up to 90% or 95% of the CLA isomers present; according to another aspect, the 9c, 11t CLA will be the major constituent of the mixture of isomers, of which it will represent 60% to 95%, preferably at least 70% and advantageously from 75% to 90% of the CLA composition. Conjugate linoleic acid compositions that are suitable for carrying out the invention are disclosed in particular in application WO 99/47135.

Advantageously, the food composition has a total fat content of between 1.5% and 35% by weight, preferably between 4% and 33%, this fat content in particular comprising the milk-based fat, the active

CLA isomers in MG, DG and/or TG form, and optionally other plant oils.

These isomers and other forms of conjugate linoleic acid are essentially in the form of mono-, di- and triglycerides, although small amounts of CLA in free form or in the form of alkyl esters, these forms preferably representing less than 1% and advantageously less than 0.5% of the total CLA composition.

Preferably, the isomers will be essentially present in the form of TG, these isomers representing at least 30% w/w, preferably at least 50% and advantageously at least 60%, in particular from 60% to 90%.

According to the embodiments, up to 70% w/w and in particular from 20% to 30% of the various CLA isomers may, for example, be in the form of diglycerides.

The conjugate linoleic acids may be in a more or less purified form. One commercially available form comprises from 56% to 67% active isomers of conjugate linoleic acids; 19% to 34% oleic acid; 2% to 9% linoleic acid, these acids being in the form of triglycerides. Mixtures which may be mentioned, for example, are Selin® CLA-TG sold by Grünau-Illertissen GmbH or the CLA sold by Natural Lipids under the brand name Tonalin™ CLA 75%-TG.

In general, said composition has a water activity of between 0.65 and 0.99, preferably between 0.75 and 0.99 and advantageously greater than 0.90, and an acidic or neutral pH.

The water activity of a product is a notion which is well known in the food sector; this measurement (abbreviated as Aw) measures the availability of water in a product. In most cases, this water activity is not proportional to the water content of the product.

By way of example, a fruit yoghurt comprises 82% water and has an Aw equal to 0.99; fromage frais contains 16% water and has an Aw equal to 0.99.

The methods for measuring the Aw of a product are known to those skilled in the art.

The dairy products may or may not be fermented. They may in particular be fermented fresh dairy products.

The expression "fermented fresh dairy products" means a dairy base which has been fermented following inoculation with lactic acid bacteria, and then mixed with other ingredients to obtain the fermented fresh dairy product. This fermented fresh dairy product stored at between 4 and 10°C still contains live bacteria, preferably still at least  $10^2$  to  $10^8$  and preferentially  $10^4$  to  $10^5$  live bacteria per ml for 4 to 6 weeks.

Preferably, the fermented dairy product is chosen from the group consisting of fromage frais, crème fraîche, dairy specialities, yoghurts or the like and other fermented dairy products containing, alone or as a mixture, live lactic acid bacteria such as *S. thermophilus*, *L. bulgaricus*, *L. acidophilus*, *L. bifidus*, *L. lactococcus* or *Leuconostoc*.

The expression "unfermented dairy product" means skimmed milks, semi-skimmed milks, partially skimmed milks, whole milks and condensed milks.

The composition may also contain one or more sugars. This presence may in particular improve the taste quality.

In order to improve the freshness and fondant properties of the composition, the degree of overrun of the composition is preferably greater than 30% and preferentially from 100% to 250%. Overrun is produced by injecting an inert gas. In certain cases, the degree of overrun may be up to or in excess of 300%. The composition may also comprise additives such as emulsifiers, flavorings and an overrun stabilizer.

It is also possible to incorporate one or more stabilizers such as gelatin, guar, xanthan or pectin in from 0.2% to 2% to give a creamier product which is more stable over time.

The composition may also be enriched with a well-known flavoring and/or solid dietary filler. Among the solid fillers that are mentioned in particular are fruit preparations, chocolate bits (chips), cereals and hazelnuts.

The pH is advantageously between 4 and 5 for a fermented dairy product.

According to one preferred variant, the composition is fermented and is chosen from the group consisting of yoghurts and crème fraîche.

According to another preferred variant, the food composition is formed from a yoghurt whose water activity is between 0.95 and 0.99, comprising, in percentages by weight:

- |    |   |   |          |
|----|---|---|----------|
| 15 | - | skimmed milk                                    | 70 to 80 |
|    | - | dairy fat                                       | 1 to 10  |
|    |   | advantageously 1 to 3                           |          |
|    | - | active isomers of CLAs in MG, DG and/or TG form | 1 to 5   |
| 20 | - | sugars  | 1 to 6   |
|    | - | plant oil                                       | 0 to 2   |
|    | - | other additives                                 | 5 to 20. |

According to another variant, the food composition is formed from a crème fraîche whose water activity is between 0.95 and 0.99, comprising, as percentages by weight:

- |    |   |   |          |
|----|---|---|----------|
|    | - | skimmed milk                                    | 40 to 60 |
|    | - | dairy fat                                       | 5 to 35, |
|    |   | advantageously 5 to 20                          |          |
| 30 | - | plant oil                                       | 0 to 10  |
|    | - | active isomers of CLAs in MG, DG and/or TG form | 5 to 13, |
|    |   | preferably about 10%.                           |          |

The inventors have observed that the proportion of active CLA is stable in the food products in accordance with the invention. The CLA content is stable during the heat treatment. The total CLA content and the proportion of active isomers remains the same. Furthermore, the activity of the lactic acid ferments

during the fermentation of yoghurt or the maturation of cream does not affect the CLA content, in particular of the active isomers of the finished product.

The examples below illustrate the different variants of the invention.

Example 1

The table below comprises the formula of a yoghurt in accordance with the invention.

10

Ingredients	Yoghurt cream E
0% fat milk	75.18
Cream 400	4.6
Selin CLA-TG (*)	2.7
Sodium caseinate	1.513
DOMO 400	1.513
Sugar	3.5
Vanilla syrup	11
Total	100
Dairy fat (%)	1.88
Total fat (%)	4.58
CLA-TG (%)	1.62
Product consumption (g/day)	250
CLA consumption (g/day)	4.05

(\*) Selin® CLA-TG comprises 56% to 67% CLA, the remainder consisting of saturated or unsaturated C<sub>16</sub> or C<sub>18</sub> acid, in particular 19% to 34% oleic acid, 2% to 9% linoleic acid and up to 3% stearic acid.

The protein-standardized 0% fat milk is mixed with dairy fat supplemented with CLA. The mix, optionally sweetened, undergoes a pasteurization heat treatment at 95°C for 5 to 10 min. The pasteurized mix is homogenized and then cooled to the fermentation temperature. It is inoculated with a thermophilic lactic acid ferment. The fermentation is continued until a pH of between 4.5 and 4.7 at a temperature of between 38 and 42°C is obtained.

After cutting the coagulum, the product is smoothed out and then cooled to 20°C. Flavoring or a fruit preparation may be added to the finished product. The product is stored at a temperature of from 4 to 10°C for a period of 28 days.

**Example 2:** Composition according to the invention prepared from Tonalin™ CLA 75%-TG (Natural Lipids Ltd AS, Norway).

The table below comprises the formula of a yoghurt in accordance with the invention.

Ingredients	%
0% fat milk	84.43
Skimmed milk powder	3.40
Gelatin	0.37
Tonalin™ CLA 75%-TG(*)	3.75
Sugar	8.00
Flavoring	0.05
Total	100
Product consumption (g/day)	125
CLA consumption (g/day)	4.68

(\*) Tonalin™ CLA 75%-TG is a product available from Natural Lipids Ltd AS, which is a mixture of fatty acids of plant origin in the form of triglycerides containing 73.7% of various CLA isomers.

This product is described by the manufacturer as containing:

palmitic acid (C18:0)	< 9%
stearic acid (C18:0)	< 4%
oleic acid (C18:1 c9)	10-20%
linoleic acid (C18:2 c9, c12)	< 3%
CLA (C18:2 conjugate)	70-82%
CLA (C18:2 conjugate, c9, t11)	30-38%
CLA (C18:2 conjugate t10, c12)	30-38%

The protein-standardized 0% fat milk is mixed with skimmed-milk powder, sugar and gelatin. The mixture then undergoes a pasteurization heat treatment over a temperature range from 75 to 100°C, preferably 5 95°C, for 5 to 10 min. The pasteurized mixture is homogenized and then cooled to fermentation temperature. It is inoculated with a thermophilic lactic acid ferment. The fermentation is continued until a pH of between 4.5 and 4.7 at a temperature of 10 between 38 and 42°C is reached.

After cutting the coagulum, the product is smoothed out and then cooled to a temperature ranging from 5 to 25°C, preferably 15°C. Flavoring or a fruit preparation may be added to the finished product. The 15 product is stored at a temperature ranging from 4 to 10°C for a period of 28 days.

### Example 3

20 The table below comprises the formula of a matured cream in accordance with the invention. The product is prepared as in Example 1, except that the lactic acid ferment is mesophilic. The fermentation is thus carried out at a temperature of between 18 and 25 30°C.

Ingredients	Crème fraîche E
0% fat milk	50.5
Cream 400	32.5
Selin® CLA-TG (*)	17
Total	100
Dairy fat (%)	13.03
Total fat (%)	30.03
CLA-TG (%)	10.2
Product consumption (g/day)	40
CLA consumption (g/day)	4.08

CLAIMS

1. Food composition based on a substance derived from milk, in the form of an oil-in-water emulsion, which is optionally overrun, characterized in that the fat content is less than 50% by weight and in that it comprises an effective amount of mono-, di- and/or triglyceride of one or more active isomers of conjugate linoleic acids (CLA MG, CLA DG and/or CLA TG).
2. Food composition according to Claim 1, characterized in that it comprises 1% to 15% and advantageously 1.5% to 13% of CLA MG, CLA DG or CLA TG or a mixture thereof.
3. Food composition according to either of Claims 1 and 2, characterized in that the active isomers of conjugated linoleic acids (CLAs) are chosen from the group consisting of 9,11-octadecanoic acid and 10,12-octadecanoic acid.
4. Food composition according to one of Claims 1 to 3, characterized in that the active isomers of conjugated linoleic acids (CLAs) comprise a mixture of 9,11-octadecanoic acid and 10,12-octadecanoic acid.
5. Composition according to one of Claims 1 to 4, characterized in that said active isomers of the conjugated linoleic acids (CLAs) are preferably chosen from the following isomers:
- 9-cis-11-trans-linoleic acid,
  - 10-trans-12-cis-linoleic acid.
6. Food composition according to one of Claims 1 to 5, characterized in that it comprises, as percentages by weight, 1.5% to 35% and advantageously 4% to 33% fat.
7. Food composition according to one of Claims 1 to 6, characterized in that it comprises one or more additives chosen from the group consisting of sugars, emulsifiers, flavorings and overrun stabilizers.
8. Food composition according to one of Claims 1 to 7, characterized in that it is fermented and is

chosen from the group consisting of yoghurts and crème fraiches.

9. Food composition according to one of Claims 1 to 8, characterized in that it has a water activity of  
5 between 0.9 and 0.99.

10. Food composition according to one of Claims 1 to 9, characterized in that it is formed from a yoghurt whose water activity is between 0.95 and 0.99, comprising, as percentages by weight:

10	- skimmed milk	70 to 80
	- dairy fat	1 to 10
	- active isomers of CLAs in MG, DG and/or TG form	1 to 5
	- sugars	1 to 6
15	- plant oil	0 to 2
	- other additives	5 to 20.

11. Food composition according to one of Claims 1 to 9, characterized in that it is formed from a crème fraîche whose water activity is between 0.95 and 0.99,  
20 comprising, as percentages by weight:

	- skimmed milk	40 to 60
	- dairy fat	5 to 35,
	- plant oil	0 to 10
	- active isomers of CLAs in MG, DG and/or TG form	5 to 13,
25		

preferably about 10%.

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **FOOD COMPOSITION BASED ON A SUBSTANCE DERIVED FROM MILK COMPRISING CONJUGATE LINOLEIC ACID GLYCERIDES** the specification of which ☐ is attached and/or ☒ was filed on October 12, 1999 as United States Application Serial No. \_\_\_\_\_ or PCT International Application No. FR99/02452 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT International application(s) designating at least one country other than the United States, listed below and have also identified below, any foreign application(s) for patent or inventor's certificate, or any PCT International application(s) having a filing date before that of the application(s) of which priority is claimed:

Country	Application Number	Date of Filing	Priority Claimed Under 35 U.S.C. 119
FRANCE	FR98 12731	October 12, 2001	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application(s) and the national or PCT International filing date of this application:

Application Number	Date of Filing	Status (Patented, Pending, Abandoned)

I hereby appoint the following attorney and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: **FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER L.L.P.**, Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilly, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewis, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; Roger D. Taylor, Reg. No. 28,992; David M. Kelley, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; Michael Jakes, Reg. No. 32,824; Dirk D. Thomas, Reg. No. 32,600; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanho Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; and Linda A. Wadler, Reg. No. 33,218; and Please address all correspondence to **FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.** 1300 I Street, N.W. Washington, D.C. 20005, Telephone No. (202) 408-4000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

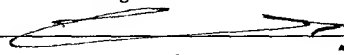
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